

104TH CONGRESS
2D SESSION

H. R. 2997

To establish certain criteria for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 1996

Mr. METCALF introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish certain criteria for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PRECLUSION OF CERTAIN RECOGNITION PETI-**
4 **TIONS.**

5 No Indian group, which has submitted a petition for
6 Federal recognition as an Indian tribe to the Secretary
7 of the Interior, shall be eligible for such recognition if—

8 (1) such group—

9 (A) was a party to, or attempted to inter-
10 vene in, any action in a United States court of

1 competent jurisdiction in which such group
2 claimed status as an Indian tribe or as a suc-
3 cessor-in-interest to an Indian tribe that was a
4 party to a treaty with the United States; and

5 (B) was determined by such court—

6 (i) not to be an Indian tribe;

7 (ii) not to have maintained an orga-
8 nized tribal structure, or

9 (iii) not to be a successor-in-interest
10 to an Indian tribe that was a party to a
11 treaty with the United States; and

12 (2) a federally recognized Indian tribe was a
13 party to such action in opposition to the claim of
14 any such group.

15 **SEC. 2. GEOGRAPHIC CONCENTRATION.**

16 In the consideration of any petition by an Indian
17 group for Federal recognition as an Indian tribe, the Sec-
18 retary of the Interior shall require, in addition to any
19 other requirements for recognition under administrative
20 regulations, a showing that a majority of the membership
21 of the petitioning group lives, and since historical times
22 has lived, concentrated in a specific geographic settlement
23 area or areas viewed as American Indian, and distinct
24 from other populations in the area or areas.

1 **SEC. 3. STANDING.**

2 (a) IN GENERAL.—Any federally recognized Indian
3 tribe within the State in which a petitioning Indian group
4 resides—

5 (1) shall have standing to participate as a party
6 in all administrative proceedings and hearings on a
7 petition by such group for Federal recognition as an
8 Indian tribe,

9 (2) shall be entitled to obtain from the Sec-
10 retary of the Interior, and respond to, all evidence
11 supporting the petition, and

12 (3) shall have a right to appeal a final decision
13 of the Secretary on such petition to the Federal Dis-
14 trict Court for the district in which the petitioner re-
15 sides.

16 (b) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—
17 In any appeal under subsection (a) of a final decision of
18 the Secretary extending Federal recognition to a petition-
19 ing Indian group, the newly recognized petitioners shall
20 not have sovereign immunity to being joined as a party
21 in such appeal.

22 **SEC. 4. APPLICATION OF PROVISIONS.**

23 The provisions of this Act shall apply to any petition
24 pending before the Secretary of the Interior on the date
25 of enactment of this Act, notwithstanding the stage of
26 such petition, and any petition submitted, or subject to

1 further consideration, after the date of enactment of this
2 Act.

